

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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**This Document relates to:**

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN)

**BURNETT PLAINTIFFS' NOTICE OF MOTION  
FOR ENTRY OF DEFAULT JUDGMENTS  
FOR DEATH CLAIMS UNDER 18 U.S.C. § 2333 AGAINST THE TALIBAN**

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks (hereinafter “Eubanks Decl.”), with exhibits, and the accompanying memorandum of law, and in accordance with this Court’s November 14, 2023 Order setting forth such information the Court requires to adjudicate this motion (*see* ECF No. 9435), the *Burnett* Moving Plaintiffs herein respectfully request Final Default Judgments Against The Taliban for pecuniary and non-pecuniary loss (including, but not limited to, economic-loss damages, conscious pain-and-suffering damages, solatium damages, pre-judgment interest, and trebled damages under 18 U.S.C. § 2333(a)) in favor of the *Burnett* Moving Plaintiffs. The judgment amounts sought here are based on (1) prior judgments entered by this Court for certain of the *Burnett* Moving Plaintiffs for conscious pain-and-suffering damages for 9/11 decedents and economic-loss damages for 9/11 decedents within this MDL against *inter alia* the Islamic Republic of Iran; and (2) spreading the Court’s prior orders and judgments regarding the appropriate value of conscious pain-and-suffering awards for 9/11 decedents for the *Burnett* Moving Plaintiffs for whom judgments have not yet been entered against the Islamic Republic of Iran within this MDL. The *Burnett* Moving Plaintiffs herein are those personal representatives of the estates of individuals killed on September 11, 2001 in the terrorist attacks for whom counsel has determined were—either based on

documentation obtained or based on other evidence available to them—American citizens at the time of their deaths.

The Personal Representatives identified in Exhibit B-1 move for entry of final judgment against The Taliban under the Anti-Terrorism Act, 18 U.S.C. § 2333 (“ATA”), for conscious pain-and-suffering damages of \$2,000,000 for each 9/11 decedent’s estate for whom the Court has previously entered judgment on behalf of the estate in prior judgments within this MDL against the Islamic Republic of Iran. The Personal Representatives in Exhibit B-1 who have obtained prior economic-loss damages judgments against the Islamic Republic of Iran within this MDL seek entry of final judgment against The Taliban under the ATA in the amounts previously awarded by this Court against the Islamic Republic of Iran as set forth in Exhibit B-1. The Personal Representatives in Exhibit B-2 bring claims on behalf of estates of individuals who were killed in the terrorist attacks on September 11, 2001 and were United States nationals at the time of their death but for whom judgments have not previously been entered on their behalf in this MDL against the Islamic Republic of Iran. The Personal Representatives in Exhibit B-2 move for entry of final judgment against The Taliban under the ATA for conscious pain-and-suffering damages of \$2,000,000 for each 9/11 decedent’s estate for whom the Court has not previously entered judgment on behalf of the estate in prior judgments within this MDL against the Islamic Republic of Iran. The Personal Representatives in Exhibit B-2 along with the Personal Representatives in Exhibit B-1 for whom no economic-loss damages have yet been awarded seek leave from the Court to submit future motions asserting economic-loss damages to the Court or to a Court-appointed Special Master for final judgment incorporating these economic-loss damages.

The *Burnett* Moving Plaintiffs move that such damages be trebled under the ATA and include prejudgment interest at the rate of 4.96 percent, compounded annually, from the period

from September 11, 2001, until the date of the judgment for damages entered against the Taliban. In addition, the *Burnett* Moving Plaintiffs move for permission to seek punitive and economic damages at a later date to the extent appropriate.

Dated: January 18, 2024

Respectfully submitted,

MOTLEY RICE LLC

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